

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**DEFENDANT RICHARD F. SMITH'S MOTION TO DISMISS FOR
INSUFFICIENT SERVICE OF PROCESS**

Pursuant to Federal Rule of Civil Procedure 12(b)(5), Defendant Richard F. Smith respectfully moves this Court for the entry of an Order dismissing this action on the basis that Plaintiff has not properly served Defendant with the summons and complaint. In support of this Motion, Defendant relies on the attached Brief and Declaration of Jessica Spurlock filed contemporaneously herewith.

Respectfully submitted this 17th day of August, 2018.

s/ Austin Evans
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CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2018, I electronically filed **DEFENDANT RICHARD F. SMITH'S MOTION TO DISMISS FOR INSUFFICIENT SERVICE OF PROCESS** with the Clerk of the Court using the CM/ECF system, and I have served a copy on the following by causing a copy of the same to be deposited in the United States Mail, postage prepaid and addressed as follows:

Edward T. Kennedy
401 Tillage Rd.
Breinigsville, PA 18031

s/ Austin Evans
Austin Evans